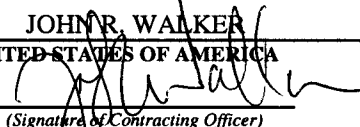


<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		<b>1. CONTRACT ID CODE</b> K		<b>PAGE OF PAGES</b> 1   3	
<b>2. AMENDMENT/MODIFICATION NO.</b> 0003		<b>3. EFFECTIVE DATE</b> See Blk. 16C		<b>4. REQUISITION/PURCHASE REQ. NO.</b> N/A	
<b>5. PROJECT NO. (If applicable)</b>		<b>6. ISSUED BY</b> DEFENSE ENERGY SUPPORT CENTER, ROOM 2954 8725 JOHN J. KINGMAN ROAD, SUITE 4950 FT. BELVOIR, VA 22060-6222 FAX 703-767-9044 BUYER/SYMBOL – ERIN S. RALPH/DESC-BZD PHONE - (703) 767-9294 PPNs: 2.99		<b>7. ADMINISTERED BY (If other than Item 6)</b> CODE SC0600	
<b>8. NAME AND ADDRESS OF CONTRACTOR (NO., street, city, county, State, and ZIP Code)</b>			X	<b>9a. AMENDMENT OF SOLICITATION NO.</b> SP0600-05-R-0012	
				<b>9b. DATED (SEE ITEM 11)</b> November 15, 2004	
				<b>10a. MODIFICATION OF CONTRACT/ORDER NO.</b>	
				<b>10b. DATED (SEE ITEM 13)</b>	
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>					
<p>[ X ] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers [ ] is extended, [ X ] is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. <b>FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.</b> If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.</p>					
<b>12. ACCOUNTING AND APPROPRIATION DATA (If required)</b>					
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>					
<p>A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10a.</p> <p>B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)</p> <p>C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:</p> <p>D. OTHER (Specify type of modification and authority)</p>					
<p><b>E. IMPORTANT:</b> Contractor [X] is not, [ ] is required to sign this document and return _____ copies to the issuing office.</p>					
<b>14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible..)</b>					
SEE ATTACHED PAGES					
<p>Except as provided herein, all terms and conditions of the document referenced in Item 9a. or 10a., as heretofore changed, remains unchanged and in full force and effect.</p>					
<b>15A. NAME AND TITLE OF SIGNER (Type or print)</b>			<b>16A. NAME OF CONTRACTING OFFICER</b> JOHN R. WALKER		
<b>15B. NAME OF CONTRACTOR/OFFEROR</b> BY _____ (Signature of person authorized to sign)		<b>15C. DATE SIGNED</b>		<b>16B. UNITED STATES OF AMERICA</b> BY  (Signature of Contracting Officer)	
				<b>16C. DATE SIGNED</b> 1-28-05	

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**The changes set forth herein are incorporated into solicitation SP0600-05-R-0012. Please acknowledge receipt and acceptance of the subject amendment.**

1. **SOLICITATION PACKAGE**, Page 12, Reference clauses I270, Workers' Compensation Insurance (Defense Base Act) and I271, Workers' Compensation and War-Hazard Insurance Overseas. The resulting contractor(s) under this solicitation will be required to provide such workers' compensation or security as the Defense Base Act (42 U.S.C. 1651) requires for its employees regardless of the nationality of the employees. No waiver by the US Secretary of Labor of the insurance required by the Defense Base Act (42 U.S.C. 1651) has been granted for the work to be performed under the resulting contract(s). The cost of the required insurance required by the Defense Base Act (42 U.S.C. 1651) must be included in the prices offered.
2. **ADDENDUM PACKAGE**
  - a. The changes in Amendment 0002, Page 2, Paragraph 1.b. to Clause C600, STATEWORK OF WORK (DESC JAN 1987), Page 7, incorrectly identified the paragraphs to which the changes applied. The changes are to Paragraphs C.7.f through h.
  - b. Clause C600, STATEWORK OF WORK (DESC JAN 1987), Page 9, Paragraph C.10. is revised as follows:
    10. Risk of Loss: The contractor has the responsibility to deliver to the Government at destination all product entrusted in the contractor's custody at origin except for the loss of product caused by the hostile acts of third parties such as terrorists or insurgents. The contractor assumes all other risks.

The Contractor bears all risk and responsibility for personal injury or death of its employees or agents or subcontractor employees or for any damage to or loss of equipment during transportation of the fuel. Claims for these types of losses will not be paid under this contract.
  - c. Clause C600, STATEWORK OF WORK (DESC JAN 1987), Page 14, Paragraph F.10. is revised as follows:
    10. Risk of Loss: The contractor has the responsibility to deliver to the Government at destination all product entrusted in the contractor's custody at origin except for the loss of product caused by the hostile acts of third parties such as terrorists or insurgents. The contractor assumes all other risks.

The Contractor bears all risk and responsibility for personal injury or death of its employees or agents or subcontractor employees or for any damage to or loss of equipment during transportation of the fuel. Claims for these types of losses will not be paid under this contract.
  - d. Clause I116, RESPONSIBILITY FOR GOVERNMENT –OWNED PETROLEUM PRODUCTS (DESC APR 1997), Page 24, is deleted in its entirety.

### **3. OFFEROR SUBMISSION PACKAGE**

- a. Clause L2.05-2, INSTRUCTIONS TO OFFERORS – COMMERCIAL ITEMS (BULK) (DESC JAN 2004), Page O-22, Paragraph (g)(1), is revised as follows:

(g) CONTRACT AWARD (not applicable to Invitations for Bids).

(1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) is the lowest priced, technically acceptable offer.

### **4. RE-OPENING OF NEGOTIATIONS:**

- a. Negotiations under Solicitation SP0600-05-R-0012 are hereby re-opened until Monday, January 31, 2005, at 1:00 P.M. (1300 hours), local time, Ft. Belvoir, Virginia, USA.
- b. The date and time set for receipt of Final Proposal Revisions (FPRs) under Solicitation SP0600-05-R-0012 is established on Monday, January 31, at 1:00 P.M. (1300 hours), local time, Ft. Belvoir, Virginia, USA. FPRs received after the date and time specified will be considered late in accordance with Clause L2.05-2, INSTRUCTIONS TO OFFERORS-COMMERCIAL ITEMS, located on Page O-22 of the subject solicitation.
- c. All FPRs must be annotated with quantities offered as well as with the acceptance of all terms and conditions of Solicitation SP0600-05-R-0012 and all subsequent Amendments (including exceptions or additional terms and conditions of the offer which have previously been determined acceptable by DESC). Offerors must clearly indicate whether their offers are to be considered for the entire requirement and/or JP8 and Mogas/Diesel transportation services separately.
- d. Please ensure that all exceptions or additional terms and conditions of your offer have been either determined acceptable or formally withdrawn prior to the closing of negotiations on January 31, 2005. All issues other than price should be reconciled prior to receipt of FPRs.
- e. Offerors are cautioned that new exceptions to the terms and conditions of the solicitation proposed at the time of FPRs may eliminate that offer from being considered for evaluation and/or award. Be advised that on January 31, 2005, at 1:00 P.M. (1300 hours) local time, Ft. Belvoir, Virginia, USA, all discussions are to be concluded.
- f. The facsimile transmission number for FPRs is (703) 767-9044. If for any reason you experience difficulties with this number, please contact Erin S. Ralph at telephone (703) 767-9294.